

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CONSERVATION LAW
FOUNDATION, Inc.,

Plaintiff,

v.

EXXONMOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION, and
EXXONMOBIL PIPELINE COMPANY,

Defendants.

No. 16-cv-11950 (MLW)

The Honorable Mark L. Wolf

JOINT MOTION FOR LEAVE TO FILE EXCESS PAGES

Pursuant to Local Rule 7.1(b)(4), Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation and ExxonMobil Pipeline Company (collectively “Defendants” or “ExxonMobil”) and Plaintiff Conservation Law Foundation (“CLF” or Plaintiff) respectfully request that this Court grant Defendants leave to file a Memorandum not to exceed thirty-five (35) pages in support of Defendants’ Motion to Dismiss the Complaint and grant Plaintiff leave to file an Opposition Memorandum not to exceed twenty-seven (27) pages in the above-captioned action. Defendants’ Motion to Dismiss is due on December 6, 2016 and Plaintiff’s Opposition is due fourteen days later. In support thereof, the parties state:

1. Plaintiff CLF filed a 70-page, 295-paragraph complaint, asserting 14 causes of action. The complaint advances multiple theories of liability under two different, complex environmental statutes—the Resource Conservation and Recovery Act (“RCRA”) and the Clean Water Act (“CWA”).

2. On or before December 6, 2016, Defendants will move to dismiss the Complaint in its entirety under multiple theories of dismissal. After endeavoring to streamline its Memorandum of Law to the extent possible, Defendants believe that fifteen (15) excess pages, for a total number of pages not to exceed thirty-five (35) pages, are necessary to analyze the substantive and procedural issues in this case.

3. Plaintiff CLF assents to Defendants' request and requests the court grant seven (7) excess pages, for a total number of pages not to exceed twenty-seven (27) pages, in order to adequately address the legal arguments raised by the Complaint and Defendants' Motion to Dismiss. Defendants assent to Plaintiff's request.

Dated: November 11, 2016

Respectfully submitted,

EXXON MOBIL CORPORATION,
EXXONMOBIL OIL CORPORATION, and
EXXONMOBIL PIPELINE COMPANY

and

CONSERVATION LAW FOUNDATION, INC.

By their attorneys,

By: /s/ Deborah E. Barnard
Deborah E. Barnard (BBO# 550654)
Jessica R. Early (BBO# 672878)
Nathaniel F. Hulme (BBO# 678447)
HOLLAND & KNIGHT LLP
10 St. James Avenue, 11th Floor
Boston, MA 02116
Ph: (617) 523-2700
Fax: (617) 523-6850
deborah.barnard@hklaw.com
jessica.early@hklaw.com
nathaniel.hulme@hklaw.com

and

Theodore V. Wells, Jr.*
Daniel J. Toal*
John F. Baughman*
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON, LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Ph: (212) 373-3000
Fax: (212) 757-3990
twells@paulweiss.com
dtoal@paulweiss.com
jbaughman@paulweiss.com

* *Pro Hac Vice* Application Pending

Counsel for Defendants Exxon Mobil Corporation, ExxonMobil Oil Corporation, and ExxonMobil Pipeline Company.

By: /s/ Allan Kanner
Allan Kanner*
Elizabeth B. Petersen*
Allison S. Brouk*
KANNER & WHITELEY, LLC
701 Camp Street
New Orleans, LA 70130
Ph: (504) 524-5777
a.kanner@kanner-law.com
e.petersen@kanner-law.com
a.brouk@kanner-law.com

**Pro Hac Vice*

and

Zachary K. Griefen, Esq., (BBO# 665521)
CONSERVATION LAW FOUNDATION
15 East State Street, Suite 4
Montpelier, VT 05602
Ph: (802) 223-5992 x4011
zgriefen@clf.org

Christopher M. Kilian, Esq.*
CONSERVATION LAW FOUNDATION
15 East State Street, Suite 4
Montpelier, VT 05602
Ph: (802) 223-5992 x4015
ckilian@clf.org

**Pro Hac Vice*

Counsel for Plaintiff Conservation Law Foundation, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Deborah E. Barnard

Deborah E. Barnard